

CPYRGHT

UPI-199

(CIA)

BALTIMORE--DEFENSE LAWYERS TRIED WITHOUT SUCCESS WEDNESDAY TO HAVE SUMMARILY THROW OUT OF COURT A \$110,000 SLANDER SUIT AGAINST A CIA AGENT WHO IS CHARGED BY A FORMER ESTONIAN FREEDOM FIGHTER WITH CALLING HIM AN AGENT OF THE SOVIET SECRET POLICE.

FEDERAL JUDGE ROSZEL THOMSEN SAID HE WOULD NOT RULE ON THE MOTION FOR A SUMMARY JUDGMENT FOR AT LEAST A WEEK TO GIVE THE PLAINTIFF'S LAWYER A CHANCE TO STUDY A JUSTICE DEPARTMENT OPINION UPHOLDING CERTAIN PRIVILEGES OF INTELLIGENCE AGENTS IN INTERNAL SECURITY MATTERS.

THE PLAINTIFF, ERICK HEINE, HAS CHARGED CIA AGENT JURI RAUS, ALSO OF ESTONIAN ORIGIN, WITH SLANDER FOR CALLING HEINE A MEMBER OF THE K.F.B., THE SOVIET SECRET POLICE. HEINE WAS A LEADER IN THE ESTONIAN EMIGRE MOVEMENT AND THE GOVERNMENT WAS TRYING TO DISCREDIT HIM, HE CHARGED.

THE DEFENSE HAS NOT DENIED THE STATEMENTS WERE MADE, BUT INSTEAD HAS CONTENTED THAT RAUS WAS PRIVILEGED TO MAKE THEM WITHIN THE SCOPE OF HIS DUTIES AS A GOVERNMENT AGENT.

JUDGE THOMSEN SAID HE BELIEVES IT IS THE COURT'S DUTY "TO PROTECT ALL THE PEOPLE OF THE UNITED STATES AGAINST ANY POSSIBLE MISTAKES BY THE CIA AND OTHER INTELLIGENCE AGENCIES."

THE PLAINTIFF HOTLY CONTESTED THE CONTENTION THAT THE AGENT'S STATEMENTS WERE PRIVILEGED. JUDGE THOMSEN TOLD THEM TO READ THE JUSTICE DEPARTMENT MEMORANDUM.

9/28--MJ750PED